



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Mine Safety

4 (Repealer)

5 805 KAR 7:101. Repeal of 805 KAR 7:100.

6 RELATES TO: KRS 352.340

7 STATUTORY AUTHORITY: KRS 351.070

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.070 provides the Department
9 for Natural Resources the authority to promulgate administrative regulations deemed necessary
10 and suitable for the proper administration of the mine safety program. This administrative
11 regulation repeals 805 KAR 7:100. 805 KAR 7:100 was established to implement the conduct of
12 examinations, to test each applicant's knowledge and understanding of the instruction for belt
13 examination. The administrative regulation is no longer needed because the training, testing, and
14 examination requirements are the same as those for a mine foreman.

15 Section 1. 805 KAR 7:100, Requirements for belt examiner, is hereby repealed.

805 KAR 7:101 approved for filing.

9/13/2019

Date

Charles G. Snavely

Charles G. Snavely, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 25, 2019 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No.: 805 KAR 7:101
Contact Person: Michael Mullins

Contact number: (502) 782-6720
Email: michael.mullins@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 805 KAR 7:100.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to repeal 805 KAR 7:100. This information is no longer needed. The requirements are duplicative with that of an assistant mine foreman.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 352.070 provides the Department for Natural Resources the authority to promulgate administrative regulations related mine safety requirements. This administrative regulation will repeal the requirements for a belt examiner.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation repeals 805 KAR 7:100. The administrative regulation is no longer needed as it is duplicative with the assistant mine foreman requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment repeals the regulation that establishes the requirements for a belt examiner.

(b) The necessity of the amendment to this administrative regulation: The repeal is necessary because the information in 805 KAR 7:100 is no longer necessary.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the statute by repealing the administrative regulations pertaining to the belt examiner requirements which are not necessary because they are the same as those of an assistant mine foreman.

(d) How the amendment will assist in the effective administration of the statutes: This repeal will delete the requirements pertaining to belt examiner. These requirements are the same as those of a mine foreman.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This proposal will not impact miners in the Commonwealth. The requirements and testing are the same as an assistant mine foreman. Therefore, a certification can be obtained that will allow individuals to perform the duties of a belt examiner. A belt examiner certification has not been issued in at least the past four years. Miners

that currently hold a belt examiner certification will not lose the certification.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will need to be taken to comply with this repealer.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no additional costs associated with this repealer. The requirements related to being a belt examiner are the same as those of an assistant mine foreman.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulated entities will benefit by no longer having duplicative certifications regarding belt examination.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no costs associated with the repeal of this administrative regulation.

(b) On a continuing basis: There are no costs associated with the repeal of this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding source is required to repeal these administrative regulations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees are necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This repealer does not involve any fees.

(9) TIERING: Is tiering applied? No, this is a repeal of an administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 805 KAR 7:101
Contact Person: Michael Mullins

Contact number: (502) 782-6720
Email: michael.mullins@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Division of Mine Safety.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.070 and KRS 352.340.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This repeal will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This repeal will not generate revenue.

(c) How much will it cost to administer this program for the first year? This repeal will not cost the agency additional funding.

(d) How much will it cost to administer this program for subsequent years? This repeal will not cost the agency additional funding.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.